

Angelique D. Ross

September 16, 2010

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| <p>77</p> <p>1 Q. If you look at an entry on Page 3, dated</p> <p>2 January 21st, 2008, it is about midway down.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. It says, "Account eligible for recovery. Legal</p> <p>6 letter mailed."</p> <p>7 A. Yes.</p> <p>8 Q. Going up to March 30th, 2008, the account was</p> <p>9 referred to an attorney's office?</p> <p>10 A. Yes.</p> <p>11 Q. Going back to 2, if you look at the comments,</p> <p>12 there is no indication that Mr. Brim was told, either in</p> <p>13 writing or on the phone during his telephone call, that he</p> <p>14 needed to send in additional documentation for his</p> <p>15 dispute, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And the payment of 954.12 was never added to the</p> <p>18 account or credited to the account?</p> <p>19 A. No.</p> <p>20 Q. Midland did not consider the payment of 954.12 as</p> <p>21 even a partial payment on the account?</p> <p>22 A. Midland didn't -- well, we don't -- we wouldn't</p> <p>23 necessarily credit that payment to the account or proof of</p> <p>24 that payment, generally. But payments made like that, the</p> <p>25 actual payment would be sent to Midland.</p> | <p>79</p> <p>1 have recognized.</p> <p>2 Q. So basically, the ACDV comes in from Trans Union.</p> <p>3 The data matches. And it is verified as accurate by the</p> <p>4 system?</p> <p>5 A. It probably would have been verified, probably</p> <p>6 modified to show that there was a dispute. And based on</p> <p>7 the codes and the queue location, the information compared</p> <p>8 and then responded to is modified.</p> <p>9 Q. The notes do say, "Account dispute. Modified</p> <p>10 E-Oscar. Dispute Type 12."</p> <p>11 What is that?</p> <p>12 A. I don't remember offhand. But it is the dispute</p> <p>13 type that Mr. Brim would have selected when submitting his</p> <p>14 dispute through the credit bureau.</p> <p>15 Q. So it would have been -- the type would come</p> <p>16 through the credit bureau itself? That's not a type that</p> <p>17 Midland would have selected?</p> <p>18 A. Correct.</p> <p>19 Q. Trans Union, upon receipt of that ACDV Dell, was</p> <p>20 not contacted?</p> <p>21 A. No.</p> <p>22 Q. Red Stone Federal Credit Union, where the bank</p> <p>23 statement was from, was not contacted to verify whether</p> <p>24 that bank statement was valid or whether a payment had</p> <p>25 been made?</p> |
| <p>78</p> <p>1 Q. So the fact that Mr. Brim had sent in a bank</p> <p>2 statement showing a payment to Dell Financial in the</p> <p>3 amount of 954.12, Midland, first, did not consider that to</p> <p>4 be proof of payment in full on the account, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And Midland didn't consider it to be proof of at</p> <p>7 least a partial payment, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And Midland never contacted Dell to determine</p> <p>10 what the status of that payment was?</p> <p>11 A. That's correct.</p> <p>12 Q. And then on August 6, 2008, there is an entry on</p> <p>13 Plaintiff's Exhibit 2 that an ACDV was received from</p> <p>14 Trans Union; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And the fact that there are asterisks where an</p> <p>17 employee ID would be contained, does that indicate to you</p> <p>18 that that ACDV was handled electronically by the batch</p> <p>19 interface system?</p> <p>20 A. Yes.</p> <p>21 Q. No actual documents were reviewed in responding</p> <p>22 to the ACDV received on August 6, 2008 from Trans Union?</p> <p>23 A. No. The system didn't review that. But if there</p> <p>24 were a review of the documents happening at that time,</p> <p>25 there would have been specific codes that the system could</p> | <p>80</p> <p>1 A. No.</p> <p>2 Q. Midland does not have a copy of that ACDV</p> <p>3 response, do they?</p> <p>4 A. I don't think so.</p> <p>5 Q. They can print from the system but only for a</p> <p>6 period of time; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Is it six months?</p> <p>9 A. 120 days.</p> <p>10 Q. So after 120 days, any ACDV responses would not</p> <p>11 be available for print by Midland?</p> <p>12 A. That's correct.</p> <p>13 Q. There is an entry on August 12, 2008. An ACDV</p> <p>14 was received from Experian; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And, again, the batch interface system handled</p> <p>17 that dispute electronically?</p> <p>18 A. That's right.</p> <p>19 Q. Nothing was done differently in the handling of</p> <p>20 that first ACDV than the first?</p> <p>21 A. No.</p> <p>22 Q. On March 19, 2009, a third ACDV was received</p> <p>23 from -- this one was from Trans Union; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. At that time, it states the dispute type was 109?</p> |



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| <p>81</p> <p>1 A. Yes.</p> <p>2 Q. Again, the batch interface system responded to</p> <p>3 that ACDV?</p> <p>4 A. Yes.</p> <p>5 Q. It was the same response as to the previous two</p> <p>6 ACDV?</p> <p>7 A. Yes. It looks like it.</p> <p>8 Q. No investigation was done by a consumer relations</p> <p>9 employee into the dispute?</p> <p>10 A. No.</p> <p>11 Q. No documents were reviewed by any employee of</p> <p>12 consumer relations in response to the ACDV?</p> <p>13 A. No.</p> <p>14 Q. No letters were sent to Mr. Brim regarding</p> <p>15 receipt of that ACDV?</p> <p>16 A. No. No letters could be sent regarding that</p> <p>17 dispute because of the cease and desist.</p> <p>18 Q. And Dell was not contacted?</p> <p>19 A. That's correct.</p> <p>20 Q. On March 20th, 2009, the very next day, an ACDV</p> <p>21 is received from Equifax?</p> <p>22 A. Yes.</p> <p>23 Q. Same dispute type, 109, for this ACDV?</p> <p>24 A. Yes.</p> <p>25 Q. And this fourth ACDV was also handled by the</p> | <p>83</p> <p>1 A. Correct.</p> <p>2 Q. At the top it has "1,979 messages."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what that means?</p> <p>6 A. The account managers don't have access to</p> <p>7 e-mails, so their managers can send them messages through</p> <p>8 this system. Usually, it is when they want to send a</p> <p>9 group message. It refers to all the messages that have</p> <p>10 been sent.</p> <p>11 Q. They're not messages regarding Mr. Brim's</p> <p>12 account?</p> <p>13 A. No.</p> <p>14 Q. Or the reporting of this account?</p> <p>15 A. No.</p> <p>16 Q. It is just how many might have been in the system</p> <p>17 at that time?</p> <p>18 A. Correct.</p> <p>19 Q. Are you familiar with the code on -- compliance</p> <p>20 condition code it is Column 3? It has a status "XF"?</p> <p>21 A. Yes.</p> <p>22 Q. What does that mean?</p> <p>23 A. I don't remember the exact verbiage. It's the</p> <p>24 code that is added to indicate that the consumer has</p> <p>25 disputed that trade line.</p> |
| <p>82</p> <p>1 batch interface system?</p> <p>2 A. That's correct.</p> <p>3 Q. Nothing new was done in responding to that ACDV?</p> <p>4 A. No.</p> <p>5 Q. Then on February 25th, 2010, an ACDV was received</p> <p>6 from Trans Union?</p> <p>7 A. Yes.</p> <p>8 Q. Dispute Type 112?</p> <p>9 A. Yes.</p> <p>10 Q. This fifth ACDV was handled by the batch</p> <p>11 interface system?</p> <p>12 A. Yes.</p> <p>13 Q. With respect to all of the ACDVs that were</p> <p>14 received by Midland regarding disputes by Mr. Brim, each</p> <p>15 and every one of them was handled electronically by the</p> <p>16 batch interface system?</p> <p>17 A. Yes.</p> <p>18 Q. No consumer relations employee ever reviewed the</p> <p>19 ACDVs?</p> <p>20 A. That is correct.</p> <p>21 Q. If you'll look at Page 11, Midland Document 11,</p> <p>22 this looks like a summary of when Midland started</p> <p>23 reporting the account.</p> <p>24 A. Yes.</p> <p>25 Q. That would have been November 16, 2007?</p> | <p>84</p> <p>1 Q. So Midland did report that the account was</p> <p>2 disputed by Mr. Brim --</p> <p>3 A. Yes.</p> <p>4 Q. -- once they got his written dispute?</p> <p>5 A. Yes.</p> <p>6 Q. Document No. 12, do you know what this is?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us what it is, please?</p> <p>9 A. It is a printout of payment history, "Payment</p> <p>10 History" screen.</p> <p>11 Q. Do you know what those payments would have been</p> <p>12 from, why those credits were made?</p> <p>13 A. I'm not positive because these are in relation to</p> <p>14 transactions with the firm. So I don't know that they're</p> <p>15 actually payments from a consumer.</p> <p>16 Q. The collector code being "YGC," means these</p> <p>17 payments would have been with respect to the outside</p> <p>18 collection firm handling it?</p> <p>19 A. Yes. I think it is more their transactions. I'm</p> <p>20 not sure they're payments.</p> <p>21 Q. So that would not represent a payment made by</p> <p>22 Mr. Brim?</p> <p>23 A. That's right.</p> <p>24 Q. We already looked at documents there, the "Letter</p> <p>25 History" screen?</p> |



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| <p>85</p> <p>1 A. Yes.</p> <p>2 Q. And if you will look at this document that is</p> <p>3 stapled, it is Documents 14 through 17.</p> <p>4 MS. CAULEY: We'll mark that as Plaintiff's</p> <p>5 Exhibit 3.</p> <p>6 (Exhibit 3 was marked.)</p> <p>7 BY MS. CAULEY:</p> <p>8 Q. Are you familiar with Plaintiff's Exhibit 3?</p> <p>9 A. Yes.</p> <p>10 Q. What is it?</p> <p>11 A. This is the production notes. It is basically</p> <p>12 the printed version of the notes on the account.</p> <p>13 Q. Are these notes the same as the collection detail</p> <p>14 notes or are they different?</p> <p>15 A. The production notes are going to include the</p> <p>16 information from parts of what is on the "Collection</p> <p>17 Detail" screen. So the notations themselves would be the</p> <p>18 same, but on the collection detail, obviously, there is a</p> <p>19 section at the top that is not printed on the production</p> <p>20 notes here.</p> <p>21 Q. Do production notes also contain calls made on an</p> <p>22 accounts from the collections department?</p> <p>23 A. Yes, they do.</p> <p>24 Q. Are you familiar with production notes?</p> <p>25 A. Yes.</p> | <p>87</p> <p>1 consumers?</p> <p>2 A. Yes.</p> <p>3 Q. Do they still use an autodialer?</p> <p>4 A. Yes.</p> <p>5 Q. There is the entry March 30th, 2008. It is</p> <p>6 further up.</p> <p>7 A. Yes. It looks like that is January 21, 2008.</p> <p>8 Q. I see.</p> <p>9 So that would have been on January 21st, 2008?</p> <p>10 A. Yes.</p> <p>11 Q. The dates above the entry?</p> <p>12 A. Yes.</p> <p>13 Q. It looks like there was a problem with address</p> <p>14 information.</p> <p>15 A. Yes.</p> <p>16 Q. Come down. And it looks like there was an</p> <p>17 affidavit sent to the firm.</p> <p>18 A. Yes.</p> <p>19 Q. Do you know if you completed that affidavit?</p> <p>20 A. No.</p> <p>21 Q. Could you tell who would have completed the</p> <p>22 affidavit?</p> <p>23 A. No.</p> <p>24 Q. Coming down a little bit, we've got the entry</p> <p>25 August 5th, 2008 regarding the letter from Mr. Brim,</p> |
| <p>86</p> <p>1 Q. Do you know how to read production notes?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. If we start at the very beginning, it</p> <p>4 looks like a close date of December 29, 2007. And it has</p> <p>5 "CL." And it looks like "transfer."</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that is when Midland purchased the</p> <p>8 account?</p> <p>9 A. Yes, it is actually -- the date that was entered</p> <p>10 was 10/19/2007. And that is when the account was actually</p> <p>11 loaded into our system.</p> <p>12 Q. It indicates the letter was sent 10/26.</p> <p>13 A. Yes.</p> <p>14 Q. If you come down a little bit, it has, "Moved</p> <p>15 from NRP to SIL by nightly refresh."</p> <p>16 Do you know who those codes stands for?</p> <p>17 A. "NRP" is a location in our system. And it stands</p> <p>18 for "not right party."</p> <p>19 "SIL," stands for "SILO." And the nightly</p> <p>20 refresh, that is just an automated process.</p> <p>21 Q. Does "SILO" stand for something?</p> <p>22 A. It stands for the dialer. So it means it was</p> <p>23 moved from that location to one that is on the automated</p> <p>24 dialer.</p> <p>25 Q. Midland uses an autodialer in an attempt to reach</p> | <p>88</p> <p>1 July 30th, 2008.</p> <p>2 A. Yes.</p> <p>3 Q. On Page 4, which is Midland Document 17, that</p> <p>4 looks like telephone calls.</p> <p>5 A. Yes.</p> <p>6 Q. Some of those have a queue as "SIL." That would</p> <p>7 have been the autodialer?</p> <p>8 A. Yes.</p> <p>9 Q. Then "NRP." Is that an individual?</p> <p>10 A. No. That stands for "not right party."</p> <p>11 Q. And what about "LP3"?</p> <p>12 A. It is not a person. It is another location in</p> <p>13 the system.</p> <p>14 Q. What does that location stand for?</p> <p>15 A. I'm not sure what the "LP" stands for. But it is</p> <p>16 a recovery department queue. It is a location that</p> <p>17 belongs to a specific department.</p> <p>18 Q. That would have been where individuals were</p> <p>19 making the calls rather than the autodialer?</p> <p>20 A. I don't know. They do have an autodialer, but</p> <p>21 only certain individuals within that department would be</p> <p>22 assigned to make those calls or would be assigned to that</p> <p>23 portion of the autodialer.</p> <p>24 Q. So do you know if these calls that are</p> <p>25 represented by the LP3 queue were made by an autodialer or</p> |



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| <p>89</p> <p>1 an individual?</p> <p>2 A. I don't. But I believe because it is different</p> <p>3 individuals that it's the part of the autodialer that is</p> <p>4 only designated for that particular department.</p> <p>5 Q. And then you told me you had not looked at</p> <p>6 documents 18 through 38?</p> <p>7 A. I may have. I just don't recall looking at</p> <p>8 these.</p> <p>9 Q. Are you aware that Midland Funding sued Mr. Brim</p> <p>10 to collect this debt?</p> <p>11 A. I do know that it went to an outside firm.</p> <p>12 Q. Do you know that a lawsuit was actually filed</p> <p>13 against Mr. Brim?</p> <p>14 A. I believe so.</p> <p>15 Q. Are you aware that the lawsuit was actually</p> <p>16 dismissed by Midland?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know why the lawsuit was dismissed?</p> <p>19 A. I know I've seen the reason, but I don't recall</p> <p>20 specifically.</p> <p>21 Q. Would that reason have been contained on some</p> <p>22 screen in Midland's system?</p> <p>23 A. I believe I saw the reason in the production</p> <p>24 notes where it says -- where it says "efforts exhausted."</p> <p>25 That is the only way I knew it was closed.</p> | <p>91</p> <p>1 Q. Go back to Page 27. That's a copy of the</p> <p>2 complaint. Do you see where it says, "Midland sued to</p> <p>3 collect the total sum of \$1,344"?</p> <p>4 A. Yes.</p> <p>5 Q. And that is different from the amount that was</p> <p>6 actually reported by Midland?</p> <p>7 A. Yes.</p> <p>8 Q. In fact, even if you look at the very earliest</p> <p>9 time the account was reported in 2007, it was reported</p> <p>10 with a balance due in excess of the \$1,381, right?</p> <p>11 A. That's correct.</p> <p>12 Q. Look at Document 39. Could you tell me what that</p> <p>13 is?</p> <p>14 A. This is a summary page that shows all of the</p> <p>15 queue changes -- the changes in location of the account</p> <p>16 interface system.</p> <p>17 Q. We've talked about a lot of these queues. Can</p> <p>18 you tell me what Queue A8 is?</p> <p>19 A. A8 is used when there isn't a phone number on the</p> <p>20 account.</p> <p>21 Q. Back to the autodialer queue.</p> <p>22 A. Yes.</p> <p>23 Q. Then another one we haven't seen before is "CDR."</p> <p>24 Can you tell me what that represents?</p> <p>25 A. It is a cease and desist queue.</p> |
| <p>90</p> <p>1 Q. Do you know what efforts they're referring to,</p> <p>2 like efforts to collect or -- do you have any information</p> <p>3 as to what efforts were exhausted?</p> <p>4 A. I'm not sure, no.</p> <p>5 Q. Page 38, that's a copy of the actual ACDV</p> <p>6 response on February 25th, 2010, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And that was in response to an ACDV from</p> <p>9 Trans Union?</p> <p>10 A. Yes.</p> <p>11 Q. This was handled by the batch interface system?</p> <p>12 A. Yes.</p> <p>13 Q. Which is why it is signed by Midland rather than</p> <p>14 by an individual; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Does the production note say when the lawsuit was</p> <p>17 filed?</p> <p>18 A. Yes.</p> <p>19 Q. And what date is that?</p> <p>20 A. The notation says the lawsuit was filed on</p> <p>21 2/24/2010.</p> <p>22 Q. No. That's the lawsuit Mr. Brim filed against</p> <p>23 Midland. Do you know when the lawsuit was filed by</p> <p>24 Midland against Mr. Brim?</p> <p>25 A. No, I can't tell that from the production notes.</p> | <p>92</p> <p>1 Q. And "ACV"?</p> <p>2 A. That is a person's queue. And I believe it is</p> <p>3 Brian's queue.</p> <p>4 Q. Brian Frary's queue?</p> <p>5 A. Yes.</p> <p>6 Q. If you look at 40 through 42, they're stapled,</p> <p>7 Multiple Account Summary.</p> <p>8 A. Yes.</p> <p>9 Q. Mr. Brim has one account?</p> <p>10 A. Yes.</p> <p>11 Q. This is called "Multiple Account Summary"?</p> <p>12 A. Yes.</p> <p>13 Q. Then the next stapled group starts on Page 33 and</p> <p>14 goes to 45. It is "Account Media"?</p> <p>15 A. Yes.</p> <p>16 Q. It says, "No documents available for this</p> <p>17 account."</p> <p>18 A. Yes.</p> <p>19 Q. What type of documents would be contained in the</p> <p>20 Account Media?</p> <p>21 A. Sometimes the seller will send over account</p> <p>22 statements or they may send over an original application.</p> <p>23 So they're generally documents that were obtained from the</p> <p>24 seller of the account.</p> <p>25 Q. This would be, like you indicated, statements on</p> |

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| <p>93</p> <p>1 the account, something to indicate how much was owed and 2 that it belonged to that individual? 3 A. Yes. 4 Q. There were no documents obtained from Dell? 5 A. Correct. 6 Q. 46 through 48, can you tell me what that is? 7 A. It looks like it is just a search -- I'm not 8 sure. 9 Q. Okay. 10 MR. LANGLEY: We're at noon. 11 MS. CAULEY: Why don't we stop with her and bring 12 in our other witness so we make sure we get him done and 13 I'll try and limit what I have to ask him. 14 MR. LANGLEY: Shall we take 30 minutes to get 15 lunch? 16 MS. CAULEY: Sure. That is fine. 17 (A recess was taken.) 18 BY MS. CAULEY: 19 Q. You understand you are still under oath from this 20 morning? 21 A. Yes. 22 Q. We'll start with Midland Document 49 through 51. 23 Please tell me what that document is? 24 A. It is the customer "Additional Data" screen. 25 Q. Is that just another view of the customer</p> | <p>95</p> <p>1 represents? 2 A. I don't know. 3 Q. The seller is identified as Dell Financial 4 Services? 5 A. Yes. 6 Q. Number of accounts 63,346? 7 A. Yes. 8 Q. Mr. Brim's account was purchased in a portfolio 9 that contained 63,346 accounts? 10 A. Yes. 11 Q. Under that, it has some information with respect 12 to -- it looks like fees or settlement options, can you 13 tell, where it says under "media access"? 14 A. That would be the cost of the documents. 15 Q. To obtain the documents from Dell? 16 A. Yes. 17 Q. We looked earlier at the "Account Media" screen. 18 That did not contain any media, but this Document 55 would 19 indicate media could be purchased? 20 A. Yes, probably after that 20 percent or after the 21 40 percent. 22 Q. What does that percent represent? 23 A. Typically, that number represents the amount of 24 documentation that doesn't have a cost initially or may 25 have a lower cost.</p> |
| <p>94</p> <p>1 additional data that we looked at earlier? If you don't 2 remember, it's okay. 3 A. I believe so. Yeah, I believe it is just printed 4 on a different date. 5 Q. What's the page you are looking at now? 6 A. Page 7. 7 Q. So Page 49, 351 is the same as what is 8 represented on Page 7 except the date printed? 9 A. Yeah. It is actually a different view. It is 10 the same information. But on Page 45, if you see in the 11 middle where it says, "click to view printable version," 12 if you click on that, you get this Page 7. 13 Q. Okay. Then, if you'll go on to Page 55. 14 55 through 57 is the portfolio master 15 information. 16 A. Yes. 17 Q. Do you know what that is? 18 A. Yes. It is another screen in our system that 19 gives account information. 20 Q. Does this information refer to the portfolio 21 within which Mr. Brim's account was obtained by Midland? 22 A. Yes. 23 Q. And it has a purchase date of October 10, 2007? 24 A. Yes. 25 Q. And account type. Do you know what "CL"</p> | <p>96</p> <p>1 Q. So anything less than 20 percent might be free? 2 A. It may be, yes. 3 Q. It also has some information about what type of 4 accounts these were that were purchased from Dell, 5 correct? 6 A. Yes. 7 Q. Go on to Pages 68 through 60. This indicates it 8 is a "Consumer Information Maintenance" screen. Are you 9 familiar with that screen? 10 A. Yes. 11 Q. What's the purpose of that screen? 12 A. On this screen, you could -- for instance, if the 13 consumer was deceased, it is a location where you can add 14 a warning code if you forget to add it in another 15 location. 16 Q. If a code is contained in the collection detail 17 account, which is marked as Plaintiff's Exhibit 2, would 18 it have been entered on the "Consumer Information 19 Maintenance" screen? 20 A. It might have been. 21 Q. It could also be entered on a different screen? 22 A. Yes. 23 Q. If a warning code is entered on a different 24 screen, does it automatically get placed on the "Consumer 25 Information Maintenance" screen?</p> |



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| <p>97</p> <p>1 A. Yes.</p> <p>2 Q. If you enter it in one place, it will populate to</p> <p>3 other places?</p> <p>4 A. Yes.</p> <p>5 Q. Page 61 looks like an "Address Maintenance"</p> <p>6 screen.</p> <p>7 A. Yes.</p> <p>8 Q. Beginning on 64, we have some additional address</p> <p>9 maintenance information?</p> <p>10 A. Yes.</p> <p>11 Q. Is that information that is generally received</p> <p>12 from the original creditor?</p> <p>13 A. Sometimes, yes.</p> <p>14 MR. LANGLEY: You you are asking that question</p> <p>15 with respect to 61 through 63 or 64?</p> <p>16 MS. CAULEY: Both. It looks like 64, 65, 66 go</p> <p>17 with the "Address Maintenance" screen. It looks like</p> <p>18 they're printouts, addresses that are contained in the</p> <p>19 "Address Maintenance" screen.</p> <p>20 BY MS. CAULEY:</p> <p>21 Q. If a new address is obtained by Midland, they</p> <p>22 enter it. And the old address remains part of the record</p> <p>23 as well as the new address?</p> <p>24 A. Yes.</p> <p>25 Q. Same with phone maintenance, phone numbers and</p> | <p>99</p> <p>1 A. Yes.</p> <p>2 Q. Does it report to any credit reporting agencies</p> <p>3 other than Equifax, Trans Union, Experian?</p> <p>4 A. No.</p> <p>5 Q. The same information would be reported to all</p> <p>6 three; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. This shows that began reporting on November 16th,</p> <p>9 2007?</p> <p>10 A. Yes.</p> <p>11 Q. It has an amount past due of 1,587?</p> <p>12 A. Yes.</p> <p>13 Q. At the top, it looks like a balance of \$1,799.</p> <p>14 A. Yes.</p> <p>15 Q. Do you know which balance was reporting or were</p> <p>16 both reporting on the credit report?</p> <p>17 A. This screen was printed 6/7/10. The information</p> <p>18 at the top would have been the balance at the time that</p> <p>19 the screen was printed. Whereas, the information</p> <p>20 underneath "bureau reports by reporting date" would have</p> <p>21 been the information reported to the credit bureaus as of</p> <p>22 November.</p> <p>23 Q. November 16th, 2007, the balance reported as</p> <p>24 unpaid and past due was \$1,587.</p> <p>25 A. Yes.</p> |
| <p>98</p> <p>1 things that are obtained?</p> <p>2 A. Yes.</p> <p>3 Q. If you look at 73, we're back to the letter</p> <p>4 history inquiry. It looks like a duplicate?</p> <p>5 A. Yes.</p> <p>6 Q. Page 85. Do you know what that screen is?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us what it is?</p> <p>9 A. WACH\SCNL list.</p> <p>10 Q. Can you tell us what that means?</p> <p>11 A. It is a screen that if a credit bureau notifies</p> <p>12 Midland that a consumer is obtaining credit, to makes sure</p> <p>13 it appears.</p> <p>14 Q. If Mr. Brim had applied for credit at some point</p> <p>15 during the time that Midland had the account, that may</p> <p>16 have come up on this screen?</p> <p>17 A. It may have, yes.</p> <p>18 Q. If you'll go to Midland Document 91, these are</p> <p>19 the bureau reports by the Reporting Data screens?</p> <p>20 A. Yes.</p> <p>21 Q. Is there a screen for each month that an account</p> <p>22 is reported to the credit bureaus?</p> <p>23 A. Yes.</p> <p>24 Q. Does Midland report to all three of the major</p> <p>25 credit reporting agencies?</p> | <p>100</p> <p>1 Q. Then the following month, the balance increased?</p> <p>2 A. Yes.</p> <p>3 Q. And in 2008, the information remained the same</p> <p>4 except that the balance increased to \$1,602?</p> <p>5 A. Yes.</p> <p>6 Q. If you will, just review it. It looks like each</p> <p>7 month the information remains the same except the balance</p> <p>8 increases for February to March 2008 and then to April of</p> <p>9 2008; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. March of 2008, it looks like there is an address</p> <p>12 change?</p> <p>13 MR. LANGLEY: May of 2008?</p> <p>14 MS. CAULEY: I'm sorry. May 2008.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. CAULEY:</p> <p>17 Q. And the balance increased in May of 2008?</p> <p>18 A. Yes.</p> <p>19 Q. The June to July balanced remained the same. But</p> <p>20 in August, the address goes back to an Alabama address but</p> <p>21 has the same unpaid balance; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know why for three months the balance</p> <p>24 remained the same but then it increased again?</p> <p>25 A. I don't.</p> |



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| <p>101</p> <p>1 Q. August of 2008 is also when the XF dispute code 2 was added? 3 A. Yes. 4 Q. For every month after August of 2008, it looks 5 like everything remains the same except the balance goes 6 up each month until February 2010? 7 A. Yes. 8 Q. And no monthly payments were ever reported on the 9 account? 10 A. That's correct. 11 Q. If you look at page -- at Document 119, it says, 12 "Credit Bureau Screen." 13 A. Yes. 14 Q. What information is generally contained on that 15 screen? 16 A. This is a screen that if a credit report had been 17 requested, then the credit report would actually show up 18 on this screen. 19 Q. As far as Midland's records are concerned, 20 Midland did not obtain that credit report on Mr. Brim? 21 A. Correct. 22 Q. There's the bankruptcy list screen, right? 23 A. Yes. 24 Q. That is where information would have been 25 obtained if Mr. Brim filed bankruptcy?</p> | <p>103</p> <p>1 the time that the account was being transferred over to 2 Midland. So sometimes consumers make payments. The 3 account has been sold. But they make a payment somewhere 4 in a week or two when the account is being transferred 5 over. So this is a screen that someone could use to find 6 out if that payment was going to be -- when that payment 7 would be transferred over to Midland. 8 Q. It is assigned to Brian Frary? 9 A. Yes. 10 Q. Is that who it would be assigned to normally? 11 A. Yeah. That is an -- that is an auto-population 12 based on where the account is at the time that form -- in 13 this case, that the form is printed. 14 Q. This might have changed over time as to who the 15 account was assigned to? 16 A. Yes. 17 Q. Currently, at the date it was printed, it was 18 assigned to Brian Frary and Tanya Flores? 19 A. Yes. 20 Q. Do you know who Tanya is? 21 A. Yes. 22 Q. Who is she? 23 A. A paralegal. 24 Q. Let's go on to Page 131, "Consumer Information." 25 Do you know why that information screen is blank except</p> |
| <p>102</p> <p>1 A. Correct. 2 Q. There is no information there? 3 A. Correct. 4 Q. Document 125, what is this? 5 A. "NAN" was a previous name for accounts assigned 6 to firms, so similar to YGC. 7 Q. If an account had been assigned to a YGC, would 8 it still be reflected on the NAN screen or is there a 9 separate YGC screen? 10 A. It could be a different screen. This would be 11 specifically for accounts that were assigned to the NAN 12 firms. 13 Q. Did you know that "YGC" is "You've Got Claims"? 14 A. Yes. 15 Q. Do you know how a decision is made by Midland to 16 send an account out to an outside attorney for collection? 17 A. No, I don't know what the criteria is. 18 Q. Look at Document 128. 19 A. Okay. 20 Q. Do you see the "Account Resolution" screen? 21 A. Yes. 22 Q. What is that screen? 23 A. This is a screen that is used when the consumer 24 states that they made a payment to the seller of the 25 account or, in this case, the issuer of the account during</p> | <p>104</p> <p>1 for the balance? 2 A. This is kind of like a worksheet for an account 3 manager. In working with a consumer, the consumer may 4 give information that they may want to have for future 5 conversations with the consumer. 6 Q. That would have been handled by a collector or 7 account manager? 8 A. Yes. 9 Q. And the next screen is "Payment Plan 10 Maintenance." That is a screen that is handled by a 11 collector or account manager? 12 A. Yes. 13 Q. Do you know what the "Laser Draft" screen is, 14 144? 15 MR. LANGLEY: What was the number? 16 MS. CAULEY: 144. 17 THE WITNESS: Yes. 18 BY MS. CAULEY: 19 Q. What is that? 20 A. If a consumer makes a payment via a laser draft, 21 it would be on this screen. 22 Q. "Credit Card" screen is next. I assume that 23 would be if the consumer made a payment on a credit card, 24 that information would be contained on this screen? 25 A. Yes.</p> |



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| <p>105</p> <p>1 Q. Document 154, the "Payment Review" screen. Are</p> <p>2 you familiar with that?</p> <p>3 A. I've seen it before. I'm not real familiar with</p> <p>4 it.</p> <p>5 Q. Do you know what "Team Code 954" is?</p> <p>6 A. Yes.</p> <p>7 Q. What's that?</p> <p>8 A. The team code for consumer relations and legal.</p> <p>9 Q. It represents both?</p> <p>10 A. Yeah. And there may be other groups. But it is</p> <p>11 a non-account manager team.</p> <p>12 Q. "Division 09." Do you know what that stands for?</p> <p>13 A. It is actually -- I'm sorry. Let me clarify.</p> <p>14 954 should be legal and consumer relations.</p> <p>15 Division 09 may include other groups. It is also</p> <p>16 a non-account manager division.</p> <p>17 Q. So that means that the account is not in the</p> <p>18 collections department for collection?</p> <p>19 A. Correct.</p> <p>20 Q. At least as of the date that it was printed?</p> <p>21 A. Correct.</p> <p>22 Q. Does Midland maintain archives of the screens or</p> <p>23 any type of documentation in the system to learn what</p> <p>24 information they obtained from the screen?</p> <p>25 A. Some of it, yes.</p> | <p>107</p> <p>1 I do know any consumer relations or legal team members</p> <p>2 would be in 954. If it was assigned to their queue, it</p> <p>3 would show -- that means it is assigned to 954.</p> <p>4 Q. What could some of those queues be?</p> <p>5 A. Brian Frary, my own.</p> <p>6 Q. What is yours?</p> <p>7 A. BE3.</p> <p>8 Q. Any others queues?</p> <p>9 A. BU8 and BC7.</p> <p>10 Q. We talked about BC7 is Sidney Barrett and BU8 is</p> <p>11 Melanie Bloom.</p> <p>12 A. Yes.</p> <p>13 Q. Did your name used to be Purvis?</p> <p>14 A. Yes.</p> <p>15 Q. And your current last name is?</p> <p>16 A. Ross.</p> <p>17 Q. Okay. Let me hand you Defendant's Answers to</p> <p>18 Interrogatories. And we'll mark those as our next</p> <p>19 exhibit.</p> <p>20 (Exhibit 4 was marked.)</p> <p>21 BY MS. CAULEY:</p> <p>22 Q. Prior to today, have you had a chance to review</p> <p>23 Midland's responses to interrogatories?</p> <p>24 A. Yes.</p> <p>25 Q. Did you help compile the information that is</p> |
| <p>106</p> <p>1 Q. What information would be obtainable to learn</p> <p>2 what changed or had been added to a screen?</p> <p>3 MR. LANGLEY: Object to the form.</p> <p>4 THE WITNESS: One of the screens we looked at</p> <p>5 showed previous queues and warning codes that had been</p> <p>6 added. That information could have changed. When you</p> <p>7 print it out, it may be different. But it would show the</p> <p>8 previous information.</p> <p>9 BY MS. CAULEY:</p> <p>10 Q. And what about the -- with respect to the screen</p> <p>11 we just looked at, the "Payment Review" screen, is there a</p> <p>12 way to determine when the account was put in 954?</p> <p>13 A. I don't know if there is any way to specifically</p> <p>14 check for 954. But he would be able to tell when the</p> <p>15 queue movement happened and every queue belonged to a</p> <p>16 certain division.</p> <p>17 Q. So that might be something on Plaintiff's</p> <p>18 Exhibit 2 we can look at when it was assigned to a</p> <p>19 specific queue, and that would tell us when it was</p> <p>20 actually sent to Team 954?</p> <p>21 A. Yeah. You'd have to know that that queue</p> <p>22 belonged to 954.</p> <p>23 Q. Can you look at Plaintiff's Exhibit 2 and tell me</p> <p>24 which queue belongs to 954?</p> <p>25 A. I don't know just from looking at the document.</p> | <p>108</p> <p>1 contained in these answers to interrogatories?</p> <p>2 A. I don't believe so, no.</p> <p>3 Q. Did you review the information to make sure that</p> <p>4 it was accurate with respect to the information, not the</p> <p>5 legal objections?</p> <p>6 A. I believe so.</p> <p>7 Q. The answer to Interrogatory No. 2, which begins</p> <p>8 on Page 4, it indicates that a telephone call was received</p> <p>9 from Mr. Brim by Midland on March 11, 2009.</p> <p>10 A. Yes.</p> <p>11 Q. If you need to refer to Plaintiff's Exhibit 2,</p> <p>12 you can. Do you have any information as to which</p> <p>13 individual handled that call that would have been the call</p> <p>14 received by Sidney Melanie Barrett?</p> <p>15 A. No.</p> <p>16 Q. Does Midland record calls that come in to the</p> <p>17 collections department?</p> <p>18 A. Yes, some of them.</p> <p>19 Q. Are recordings done on a random basis?</p> <p>20 A. I believe so.</p> <p>21 Q. Do you know how long Midland maintains those</p> <p>22 recordings?</p> <p>23 A. I'm not sure how long.</p> <p>24 Q. Are you aware if any recordings exist of</p> <p>25 Mr. Brim's telephone call, either with Ms. Barrett or any</p> |



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| <p>109</p> <p>1 other employee he may have spoken with?</p> <p>2 A. I don't believe so.</p> <p>3 Q. If there was a recording of a conversation</p> <p>4 involving Mr. Brim, would that be documented somewhere on</p> <p>5 the screens that we've looked at?</p> <p>6 A. No.</p> <p>7 Q. It would not?</p> <p>8 A. No.</p> <p>9 Q. Is a recording documented anywhere in the system</p> <p>10 there?</p> <p>11 A. There would be a system that would document or</p> <p>12 allow for a retrieval of the recording, but not in this</p> <p>13 particular system.</p> <p>14 Q. If there was a recording made, it would be</p> <p>15 through a different computer system that logs them by</p> <p>16 account number?</p> <p>17 A. I'm not exactly sure if it is by account number.</p> <p>18 But I believe you can by account number, yes.</p> <p>19 Q. You are not aware of any recordings that exist</p> <p>20 with respect to Mr. Brim?</p> <p>21 A. Right.</p> <p>22 Q. Question No. 3 asks for, "Any communications and</p> <p>23 reports made by Midland to any other person or entity</p> <p>24 other than Mr. Brim regarding the account or the credit</p> <p>25 history."</p> | <p>111</p> <p>1 in a review or supplied any information of the account and</p> <p>2 its content and per plaintiff's assertion he had paid them</p> <p>3 in full in November of 2004 and did not owe the amount</p> <p>4 claimed by Midland."</p> <p>5 And in response, several people were identified.</p> <p>6 The first was Sonya Kay. Do you know Ms. Kay?</p> <p>7 A. I don't know her personally.</p> <p>8 Q. Does she work in the San Diego branch?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any knowledge as to what information</p> <p>11 she may have had regarding Mr. Brim's dispute?</p> <p>12 A. No. I don't know that she had information</p> <p>13 regarding his dispute.</p> <p>14 Q. Ms. Kay doesn't work in the consumer relations</p> <p>15 department?</p> <p>16 A. No.</p> <p>17 Q. She would not have had responsibility for</p> <p>18 reviewing Mr. Brim's letters or the documentation he</p> <p>19 provided?</p> <p>20 A. Correct.</p> <p>21 Q. Jonathan Harkless. Do you know him?</p> <p>22 A. Yes.</p> <p>23 Q. Does he work in the San Diego branch?</p> <p>24 A. Yes.</p> <p>25 Q. Have you had any conversation with Mr. Harkless?</p> |
| <p>110</p> <p>1 Are you aware of -- you have already told me the</p> <p>2 records indicate that Midland never communicated with Dell</p> <p>3 regarding Mr. Brim's dispute, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Midland never communicated with Red Stone</p> <p>6 regarding it?</p> <p>7 A. Correct.</p> <p>8 MR. LANGLEY: Object to the form.</p> <p>9 BY MS. CAULEY:</p> <p>10 Q. And the only communications with respect to</p> <p>11 Mr. Brim's account with respect to the reporting agencies</p> <p>12 are the ACDVs and the UDF responses?</p> <p>13 A. Those, and I guess the regular monthly reporting.</p> <p>14 Q. The regular reporting is done monthly and then</p> <p>15 the ACDVs and the UDFs?</p> <p>16 A. Yes.</p> <p>17 Q. There's no indication that telephone calls were</p> <p>18 made to the reporting agencies, correct?</p> <p>19 A. Correct.</p> <p>20 Q. There is no record in Mr. Brim's account notes</p> <p>21 that indicate Midland contacted any other party regarding</p> <p>22 Mr. Brim's dispute?</p> <p>23 A. Correct.</p> <p>24 Q. No. 5 says, "State the name, address and job</p> <p>25 titles of all persons who performed a review, participated</p> | <p>112</p> <p>1 A. Not related to Mr. Brim's account.</p> <p>2 Q. Do you have any knowledge as to what information</p> <p>3 he may have regarding Mr. Brim's disputes?</p> <p>4 A. I don't believe he had information related to his</p> <p>5 dispute.</p> <p>6 Q. And then the other two, Sidney Barrett and</p> <p>7 Melanie Bloom are the two consumer relations liaisons that</p> <p>8 either received a letter or telephone call from Mr. Brim,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Have you had any conversations with Sidney</p> <p>12 Barrett regarding Mr. Brim's account or dispute?</p> <p>13 A. No.</p> <p>14 Q. Have you had any conversations with Melanie Bloom</p> <p>15 regarding Mr. Brim's account or his dispute?</p> <p>16 A. No.</p> <p>17 Q. Forgive me if I've asked this. Ms. Barrett and</p> <p>18 Ms. Bloom, they both work in San Diego, correct?</p> <p>19 A. Correct.</p> <p>20 Q. How many employees work in San Diego?</p> <p>21 A. I would say 250 to 300.</p> <p>22 Q. Look at Interrogatory No. 14. It asks for the</p> <p>23 name of the individual responsible for supervising the</p> <p>24 investigations. And it identifies you.</p> <p>25 A. Yes.</p> |



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| <p>113</p> <p>1 Q. Did your name change recently?</p> <p>2 A. Yes.</p> <p>3 Q. If you'll turn to Interrogatory No. 24, it asks</p> <p>4 for, "Every step taken to investigate the plaintiff's</p> <p>5 dispute of the Midland account and credit data which was</p> <p>6 reported to the national credit reporting agencies."</p> <p>7 And Midland referred to documents Bates stamped 8</p> <p>8 through 10 and 14 through 15.</p> <p>9 8 through 10 we looked at earlier. It is the</p> <p>10 same as 52 through 54. It is the collection detail. And</p> <p>11 you are welcome to look at it.</p> <p>12 A. Yes.</p> <p>13 Q. Documents 8 through 10 were printed earlier back</p> <p>14 than. Documents 52 through 54 were printed more recently.</p> <p>15 A. Yes.</p> <p>16 Q. Interrogatory 25 asks for, "The date, time</p> <p>17 individuals responsible for each incident which Midland</p> <p>18 obtained access to plaintiff's credit or credit report</p> <p>19 associated with the plaintiff's Social Security number."</p> <p>20 The response indicates that on two occasions</p> <p>21 Midland made a soft hit. Are you familiar with that term?</p> <p>22 A. Yes.</p> <p>23 Q. Those soft hits were not documented on the</p> <p>24 "Credit Bureau" screens we looked at, correct?</p> <p>25 A. Correct.</p> | <p>115</p> <p>1 access to any other information that is maintained by</p> <p>2 Midland separate from what is maintained by counsel?</p> <p>3 A. No.</p> <p>4 Q. Let me hand you that. We're looking at</p> <p>5 Document 206. Are you familiar with what this document</p> <p>6 is?</p> <p>7 A. Yes.</p> <p>8 Q. I'm not going to mark it as an exhibit because it</p> <p>9 does have Mr. Brim's Social Security number on it. Is</p> <p>10 this a Universal Data Form?</p> <p>11 A. Yes.</p> <p>12 Q. This is a form Midland sent in to the credit</p> <p>13 bureaus?</p> <p>14 A. Yes.</p> <p>15 Q. Instructing them to delete Midland's reporting of</p> <p>16 an account?</p> <p>17 A. Yes.</p> <p>18 Q. What was the date of this Universal Data Form?</p> <p>19 A. 9/9/10.</p> <p>20 Q. It is signed by Lauren Jones?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know Lauren Jones?</p> <p>23 A. Yes.</p> <p>24 Q. Who is she?</p> <p>25 A. She's a paralegal.</p> |
| <p>114</p> <p>1 Q. Is there some other screen that would maintain</p> <p>2 the soft hits that were made by Midland?</p> <p>3 A. I don't know if it is a screen. I'm sure there</p> <p>4 is someone who can find the soft hits because the dates</p> <p>5 are there. But I believe that might have been prior to</p> <p>6 purchase of the account. So the "Credit Bureau" screen</p> <p>7 would basically show the hard pull of the credit report,</p> <p>8 not the soft hits.</p> <p>9 Q. But there is a way for Midland to obtain a soft</p> <p>10 hit and go back and research what dates those soft hits</p> <p>11 were made?</p> <p>12 A. Yes.</p> <p>13 Q. Are you aware of any other litigation pending in</p> <p>14 the state of Alabama that has claims arising under FDCPA</p> <p>15 or FCRA?</p> <p>16 A. No, not that I can think of.</p> <p>17 MS. CAULEY: Off the record.</p> <p>18 (A recess was taken.)</p> <p>19 BY MS. CAULEY:</p> <p>20 Q. We've gone through all the screens that have been</p> <p>21 produced. Are you aware of any other screens other than</p> <p>22 what we have looked at today that contain information</p> <p>23 regarding Mr. Brim his account or his disputes?</p> <p>24 A. No.</p> <p>25 Q. To the best of your knowledge, you don't have</p> | <p>116</p> <p>1 Q. Ms. Jones, has she ever worked in the consumer</p> <p>2 relations department?</p> <p>3 A. No.</p> <p>4 Q. Have you ever worked with Mr. Jones with respect</p> <p>5 to ACDVs or UDFs?</p> <p>6 A. Yes, I trained her on UDFs.</p> <p>7 Q. You actually trained her on how to send in the</p> <p>8 Universal Data Form?</p> <p>9 A. Yes.</p> <p>10 Q. She has the authority on behalf of Midland to</p> <p>11 delete the accounts from the credit bureaus?</p> <p>12 A. Yes.</p> <p>13 Q. If you look on the top right corner, it has</p> <p>14 Equifax, Experian, then it has Innovis. But there no</p> <p>15 subscriber code.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Does that mean nothing was ever reported to them?</p> <p>19 A. Correct.</p> <p>20 Q. As we sit here today, are you aware that through</p> <p>21 documentation from Red Stone Federal Credit Union that</p> <p>22 Dell did verify it did received Mr. Brim's payment?</p> <p>23 A. I am aware of that, yes.</p> <p>24 Q. So there is no longer any dispute that the</p> <p>25 payment was made by Mr. Brim and that he did not owe this</p> |



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| <p>117</p> <p>1 debt?</p> <p>2 A. Correct.</p> <p>3 Q. Prior to July 2010, when you told me earlier</p> <p>4 today some changes may have been made with respect to the</p> <p>5 Fair Credit Reporting Act from October 2007 up through</p> <p>6 July 1st, 2010, were Midland's policies and procedures for</p> <p>7 the handling of ACDVs the same?</p> <p>8 MR. LANGLEY: Object to the form.</p> <p>9 THE WITNESS: I believe so, yes.</p> <p>10 BY MS. CAULEY:</p> <p>11 Q. As far as you are aware, there were no changes in</p> <p>12 how ACDV are responded to from October 2007 to July 1st,</p> <p>13 2010?</p> <p>14 A. No, not that I can recall.</p> <p>15 Q. Are there any type of reports maintained on the</p> <p>16 consumer relations liaisons with respect to the number of</p> <p>17 ACDVs they review or the number of disputes they review on</p> <p>18 a weekly or monthly or quarterly basis?</p> <p>19 A. Yes.</p> <p>20 Q. What are those reports?</p> <p>21 A. They're a production report.</p> <p>22 Q. How are they done? Monthly? Quarterly?</p> <p>23 A. There is one report that is run daily. And</p> <p>24 another that is -- I guess weekly.</p> <p>25 Q. Are these production reports done by employee or</p> | <p>119</p> <p>1 necessarily?</p> <p>2 A. Correct.</p> <p>3 Q. If it happened over a period of months, would</p> <p>4 disciplinary action be taken?</p> <p>5 A. There may be. If a manager spoke to that person</p> <p>6 and tried to work with them and didn't necessarily see a</p> <p>7 reason why that number would be low and maybe there wasn't</p> <p>8 any improvement.</p> <p>9 Q. Are those reports maintained? Do you maintain</p> <p>10 those reports?</p> <p>11 A. Yes.</p> <p>12 Q. How long do you maintain those?</p> <p>13 A. I don't know that we discarded any. I believe I</p> <p>14 have them since I started managing.</p> <p>15 Q. Are there any other type of reports that you keep</p> <p>16 on the number of disputes that are received or how quickly</p> <p>17 they're handled, anything like that, with respect to the</p> <p>18 consumer relations department?</p> <p>19 A. There's a report through E-Oscar that will show</p> <p>20 how many disputes came through E-Oscar.</p> <p>21 Q. Do you print those?</p> <p>22 A. No. We don't usually print those. Just take the</p> <p>23 information from the report.</p> <p>24 Q. Is that how the daily and weekly production</p> <p>25 reports are compiled?</p> |
| <p>118</p> <p>1 by the department?</p> <p>2 A. By employee.</p> <p>3 Q. And what do they contain? What type of</p> <p>4 information?</p> <p>5 A. How many accounts each person worked in a certain</p> <p>6 timeframe.</p> <p>7 Q. Are there goals for liaisons to meet with respect</p> <p>8 to how many accounts they work?</p> <p>9 A. Per day, yes.</p> <p>10 Q. How many accounts is a liaison expected to work</p> <p>11 per day?</p> <p>12 A. About 70 accounts.</p> <p>13 Q. Is there any type of incentive program or</p> <p>14 compensation that is provided if they work more than 70?</p> <p>15 A. No.</p> <p>16 Q. Is there any type of discipline or do they</p> <p>17 receive any type of write-up if they do not meet their</p> <p>18 quota?</p> <p>19 A. There could be. But generally, I would say no</p> <p>20 because depending on the volume or the circumstances,</p> <p>21 there may be times when they need to be lower than that</p> <p>22 number because of whatever is going on at the time.</p> <p>23 Q. If it is just one day here or there or a couple</p> <p>24 of days during a particularly busy time, if an employee</p> <p>25 falls below the 70, there wouldn't be disciplinary action</p> | <p>120</p> <p>1 A. It is a part of the daily production report.</p> <p>2 Q. Is there any type of log that documents written</p> <p>3 disputes from consumers versus ACDV disputes?</p> <p>4 A. I'm not sure what you mean by "log."</p> <p>5 Q. E-Oscar creates a record of how many disputes are</p> <p>6 received by Midland daily?</p> <p>7 A. Yes.</p> <p>8 Q. Is there any type of report or document that</p> <p>9 keeps count or a record of written disputes received</p> <p>10 directly by Midland for the consumer?</p> <p>11 A. No, not specifically written disputes. There is</p> <p>12 a report that will state how much correspondence has come</p> <p>13 into the department. But those are not all necessarily</p> <p>14 disputes.</p> <p>15 Q. So is there some type of report that maintains</p> <p>16 the volume of correspondence that is received by the</p> <p>17 consumer relations department?</p> <p>18 A. Yes.</p> <p>19 Q. What is that report called?</p> <p>20 A. We call it the "daily mail count."</p> <p>21 Q. And there is no distinction made on that report</p> <p>22 whether there was a dispute or what the letter was versus</p> <p>23 cease and desist, something like that?</p> <p>24 A. No. It is the count of the mail as it comes in.</p> <p>25 Q. Do the liaisons -- they work 8:00 to 5:00? 9:00</p> |



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|--|---|
| <p>121</p> <p>1 to 5:00?</p> <p>2 A. Most of them work somewhere between -- some start</p> <p>3 earlier, 6:00 to 2:30, 7:00 to 3:30, 8:00 to 4:30.</p> <p>4 Q. Do they take a half hour lunch? An hour lunch?</p> <p>5 A. Most of the time they take a half hour lunch.</p> <p>6 Q. Do they get any other breaks during the day?</p> <p>7 A. Yes. Standard, two 15-minute breaks.</p> <p>8 Q. Are there any other standards?</p> <p>9 A. You mean others besides production?</p> <p>10 Q. Yes, besides the production?</p> <p>11 A. Well, I mean, we want them to do things</p> <p>12 accurately and follow the policies and procedures so there</p> <p>13 isn't anything specific. But if somebody noticed</p> <p>14 something, they would address that with that person.</p> <p>15 There may be opportunity to revisit it with the whole team</p> <p>16 if there's questions about policies and procedures.</p> <p>17 Q. How do you find out or how does the supervisor</p> <p>18 find out if the liaison is not following the policies and</p> <p>19 procedures?</p> <p>20 A. That may happen during account review. The</p> <p>21 accounts are not assigned to any one specific person.</p> <p>22 Different people may come across the same account or I may</p> <p>23 end up talking to a consumer, something like that. So it</p> <p>24 could be various ways.</p> <p>25 Q. If they ran across something they felt was</p> | <p>123</p> <p>1 disputes regarding paid prior to Midland purchasing it</p> <p>2 with respect to the Delt portfolio?</p> <p>3 A. I don't know.</p> <p>4 Q. Does Midland keep any type of report on how many</p> <p>5 disputes are received with respect to a particular</p> <p>6 portfolio?</p> <p>7 A. No, we don't. In my department, we don't. A</p> <p>8 another department may.</p> <p>9 Q. If ACDVs were received from other consumers</p> <p>10 alleging the same thing that Mr. Brim was alleging, they</p> <p>11 would have been handled the same way that Mr. Brim's ACDV</p> <p>12 was handled; is that correct?</p> <p>13 A. It would depend.</p> <p>14 Q. If everything were the same as Mr. Brim's case,</p> <p>15 then the response to the ACDV would be the same?</p> <p>16 A. That's probably likely.</p> <p>17 Q. Have you had any conversations other than with</p> <p>18 counsel regarding Mr. Brim's case or his account with</p> <p>19 anyone at Midland?</p> <p>20 A. No.</p> <p>21 Q. You haven't talked about any aspect of Mr. Brim's</p> <p>22 account with any other employee of Midland?</p> <p>23 A. I don't believe so, no. Actually, I may -- I</p> <p>24 don't know which paralegal was assisting with this. I may</p> <p>25 have spoken to the paralegal. But I just don't remember.</p> |
| <p>122</p> <p>1 incorrect or inaccurate, they might bring that to a</p> <p>2 supervisor's attention or to your attention?</p> <p>3 A. Yes.</p> <p>4 Q. Do you document those issues like in an employee</p> <p>5 file?</p> <p>6 A. Some of them. Not all of them. Sometimes just</p> <p>7 talking to someone and clarifying, finding out what is</p> <p>8 going on. It may be very simple. Other times, it may</p> <p>9 need to be documented.</p> <p>10 Q. With respect to Mr. Brim's account, you are not</p> <p>11 aware of anything that was done inaccurately by the</p> <p>12 employees in consumer relations; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. None of the employees in consumer relations</p> <p>15 actually ever responded to an ACDV with respect to</p> <p>16 Mr. Brim?</p> <p>17 A. Correct.</p> <p>18 Q. Do you maintain employee files for your consumer</p> <p>19 relations employees independently of their HR file?</p> <p>20 A. Yes.</p> <p>21 Q. Everything we've looked at with respect</p> <p>22 to Mr. Brim's account was handled according to Midland's</p> <p>23 policies and procedures at the time, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know if Midland had received other</p> | <p>124</p> <p>1 Q. No other employees that you recall specifically</p> <p>2 talking with them about the Brim account or the response</p> <p>3 to the ACDV?</p> <p>4 A. Oh, no.</p> <p>5 MS. CAULEY: Those are all the questions I have.</p> <p>6 MR. LANGLEY: I might have one. Let me check.</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. LANGLEY:</p> <p>10 Q. Will you look at Document 169. It's within the</p> <p>11 consumer relations operations manual. Look at Box No. 5,</p> <p>12 which is on Page 169.</p> <p>13 A. Okay.</p> <p>14 Q. In the Action column, it says, "If unable to</p> <p>15 determine if proof is valid, account will be reported to</p> <p>16 ACQ," which is acquisitions; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. If consumer relations determines proof is</p> <p>19 invalid, is the account referred to acquisitions?</p> <p>20 A. No.</p> <p>21 MR. LANGLEY: That's all.</p> <p>22 MS. CAULEY: We're done.</p> <p>23 (The proceedings concluded at 3:13 p.m.)</p> <p>24 * * *</p> <p>25</p> |



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|---|---|
| <p>125</p> <p>1 REPORTER'S CERTIFICATION</p> <p>2</p> <p>3 I, Denise T. Johnson, a Certified Shorthand Reporter</p> <p>4 in and for the State of California, do hereby certify:</p> <p>5</p> <p>6 That the foregoing witness was by me duly sworn; that</p> <p>7 the deposition was then taken before me at the time and</p> <p>8 place herein set forth; that the testimony and proceedings</p> <p>9 were reported stenographically by me and later transcribed</p> <p>10 into typewriting under my direction; that the foregoing is</p> <p>11 a true record of the testimony and proceedings taken at</p> <p>12 that time.</p> <p>13</p> <p>14 IN WITNESS WHEREOF, I have subscribed my name this</p> <p>15 23rd day of September, 2010.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 Denise T. Johnson, CSR No. 11902</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>127</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE _____</p> <p>25 ANGELIQUE DANIELLE ROSS</p> |
| <p>126</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3</p> <p>4 Our Assignment No. 345156</p> <p>5 Case Caption: JAMON T. BRIM</p> <p>6 vs. DELL FINANCIAL SERVICES, LLC</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9</p> <p>10 I declare under penalty of perjury that I have</p> <p>11 read the entire transcript of my Deposition taken in the</p> <p>12 above captioned matter or the same has been read to me,</p> <p>13 and the same is true and accurate, save and except for</p> <p>14 changes and/or corrections, if any, as indicated by me on</p> <p>15 the DEPOSITION ERRATA SHEET hereof, with the understanding</p> <p>16 that I offer these changes as if still under oath.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Signed on the _____ day of _____, 20____.</p> <p>21</p> <p>22 _____</p> <p>23 ANGELIQUE DANIELLE ROSS</p> <p>24</p> <p>25</p> | <p>128</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE _____</p> <p>25 ANGELIQUE DANIELLE ROSS</p> |



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